

REMARKS

Claims 1-14, 19, and 21-22 are currently pending in this application. Claims 1-5, 7-14, 19, and 21-22 stand rejected. The Examiner has acknowledged that claim 6 is directed towards allowable subject matter, but is objected to as being dependent upon a rejected base claim. The Applicant submits that claim 6 has been rewritten in independent form to include all of the limitations of the base claim and any intervening claims, and is in condition for allowance.

The Examiner argues that the apparatus claims must be structurally distinguishable from the prior art. However, with this amendment, there are no apparatus claims. Claim 1 relates to a method of providing a medical implant delivery system, and thus MPEP § 2114 does not apply.

35 U.S.C. § 103:

Claims 1, 2, 4, 5, 7, 12-14, and 22 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Pat. No. 6,153,252 by Hossainy et al. (“Hossainy”) in view of U.S. Pat. No. 5,792,172 by Fischell et al. (“Fischell”), further in view of U.S. Pat. No. 5,116,318 by Hillstead (“Hillstead”), further in view of U.S. Pat. No. 5,147,302 by Euteneuer et al. (“Euteneuer”), further in view of U.S. Pat. No. 5,290,306 by Hossainy et al. (“Hossainy”), further in view of U.S. Pat. No. 5,352,236 by Jung et al. (“Jung”). The Applicants submit that none of the cited references disclose or suggest “selecting the number of folds of a multi-wing balloon to reduce the deformation of the internal coating of the medical implant when the medical implant is expanded by the folds of the balloon,” as recited in claim 1. Since the references do not teach or suggest all the claim limitations, the claimed invention is patentable over the cited references.

As to claim 22, the Examiner states that “[t]here is no structural difference between the claimed polished external surface and the smooth external surface of Fischell’s balloon.” However, Fischell is silent as to any description of the external surface of the balloon. In fact, none of the cited references disclose a “balloon having a polished external surface,” as recited in claim 22. In order to establish obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP § 2143.03. Thus, claim 22 is patentable over the cited references.


CONCLUSION

Should the Examiner have any questions concerning this application, the Examiner is invited to contact the undersigned at the number given below.

The Commissioner is authorized to charge any necessary fees, or to credit any overpayments, to deposit account No. 11-0600.

Respectfully submitted,

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